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February 24, 2021

**Sent via Electronic Mail to Kathleen.Allen@LA.GOV  
and via Facsimile to 225-381-7271**

Ms. Kathleen Allen  
LOUISIANA BOARD OF ETHICS  
P.O. Box 4368  
Baton Rouge, LA 70821

**Attorneys at Law**  
Alabama  
Florida  
Georgia  
Louisiana  
Mississippi  
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Tennessee  
Texas  
Washington, DC

**Marshall A. Hevron**  
Direct: 504.585.0242  
E-Fax: 504.586.6601  
marshall.hevron@arlaw.com

Re: Request for Advisory Opinion and Proposed Disqualification Plan

Dear Ms. Allen:

We write to you today seeking an advisory opinion from the Louisiana Board of Ethics ("Board") concerning the employment of Kathleen Sullivan as the Head of School of Jefferson Rise Charter School ("Jefferson Rise") and Zachary Moss as the Director of Culture and Operations at Jefferson Rise.

Ms. Sullivan is the Founder and Head of School at Jefferson Rise. For purposes of the Louisiana Code of Ethics ("Code"), she is considered the agency head. Mr. Moss has worked at the school since July of 2019. He has served in his current position as Director of Culture and Operations<sup>1</sup> since July of 2020. Ms. Sullivan and Mr. Moss are engaged and plan to marry in June of 2021. The couple has previously reported their relationship to the Board of Directors at Jefferson Rise. We do not believe that Ms. Sullivan's marriage to Mr. Moss will pose an issue under the Code so long as the disqualification plan detailed in this request is approved.

La. R.S. 42:1119C(2) provides:

(2) The provisions of this Section shall not prohibit the continued employment of any public employee nor shall it be construed to hinder, alter, or in any way affect normal promotional advancements for such public employee where a member of public employees' immediate family becomes the agency head of such public employee's agency, provided that such public employee has been employed in the agency for a period of at least one year prior to the member of the public employee's immediate family becoming the agency head.

As this statute is written, it would appear to apply in instances when the immediate family member of a public employee becomes an agency head. However, the Board has interpreted this statute to also

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<sup>1</sup> When Mr. Moss was first placed in this position the title was Dean of Culture and Operations, but has since then been changed to Director of Culture and Operations.

apply in instances where a public employee's agency head becomes an immediate family member. In La. Ethics 2007-796, an employee of the Church Point Waste Water Department married the daughter of the Department's Head. This made the employee's agency head an immediate family member. The Board concluded that the employee would not be prohibited from continuing his employment under the provisions of La. R.S. 42:1119C(2).

We believe that the facts of this case are substantially the same as those in La. Ethics Docket 2007-796. Mr. Moss has worked at Jefferson Rise for over a year. When he and Ms. Sullivan are married, his agency head will become an immediate family member. Because Mr. Moss will meet the one year requirement of La. R.S. 42:119C(2), there will be no issues regarding his employment at Jefferson Rise while his wife is the agency head.

La. R.S. 42:112B(1) will prohibit Ms. Sullivan from participating in any transactions which involve Jefferson Rise and her husband. La. R.S. 42:1112C provides Ms. Sullivan with an avenue to disqualify herself from participating in any transactions concerning her husband which would normally be a violation of La. R.S. 42:112B(1). Pursuant to La. R.S. 42:1112C, we propose the following Disqualification Plan for the Board's approval:

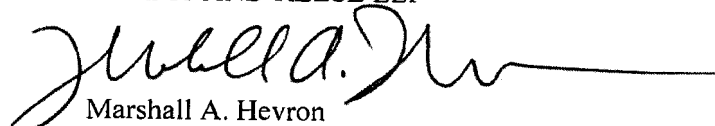
- Ms. Sullivan will be disqualified from the following actions with regard to Mr. Moss: adjusting his salary or benefits, disciplining him, reprimanding him, granting time off, promotions, demotions or any other actions, approvals or authorizations concerning Mr. Moss.
- Trent Mackey will be responsible for any of the following actions for Mr. Moss: adjusting his salary or benefits, disciplining him, reprimanding him, granting time off, promotions, demotions or any other actions, approvals or authorizations concerning Mr. Moss. Furthermore, Mr. Moss will report to Trent Mackey concerning any issues he may have with his employment at Jefferson Rise.
- Ms. Sullivan will report to the school's Board Chair any issues she may have with Mr. Moss as an employee of Jefferson Rise.

Thank you in advance for your consideration in this matter. Please place this request on the docket for the Board's April 2021 meeting. If you should have any questions or comments about this request, do not hesitate to contact us. Thank you for your cooperation.

We remain,

Sincerely yours,

ADAMS AND REESE LLP



Marshall A. Hevron  
Lee C. Reid

## Kathleen Allen

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**From:** Marshall Hevron <Marshall.Hevron@arlaw.com>  
**Sent:** Wednesday, February 24, 2021 9:45 AM  
**To:** Kathleen Allen  
**Cc:** Lee Reid  
**Subject:** Request for Advisory Opinion - Jefferson Rise Charter School  
**Attachments:** 2.24.21 Request for Advisory Op on Behalf of Jefferson Rise.pdf

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Kathleen,

Please see the attached request for advisory opinion that we are submitting on behalf of the Jefferson Rise Charter School. Please don't hesitate to contact me if you should have any questions.

Best,

Marshall

**Marshall Hevron**

Partner

**ADAMS AND REES**

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website bio vCard map



Information related to our COVID-19 resources [Here](#)



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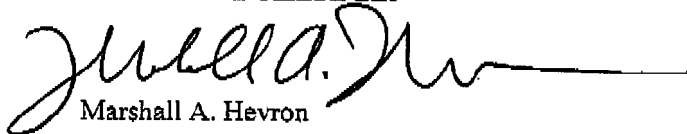
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We remain,

Sincerely yours,

ADAMS AND REESE LLP

  
Marshall A. Hevron  
Lee C. Reid

**FACSIMILE TRANSMITTAL**

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New Orleans, LA 70139  
Facsimile: (504) 566-0210  
1-800-725-1990

DATE 2/24/2021

TO Kathleen Allen  
Louisiana Board of Ethics

RE Jefferson Rise Charter School

From

Marshall Hevron

No. Pages  
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Notes Comments Message

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*Ginger Arata* at 504-585-0434

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